

6. GAC, Chung-hua jen-min kung-ho-kuo k'uang-yeh chan-hsing t'iao-li
中華人民共和國礦業暫行條例 (Provisional
regulations on mining of the People's Republic of China), Dec. 22,
1950.^{36/}

Chapter I. General

Article 1. All mines are properties of the nation, but mining by private individuals is permissible and encouraged in non-restricted areas or locations not reserved for state operations.

Article 2. Mines of coal, petroleum, oil shale, and natural gas shall be controlled by the Ministry of Fuel Industry, CPG. Other types of mine shall be controlled by the Ministry of Heavy Industry, CPG.

Article 3. After applications for mining exploration or mining have been examined and approved by the central mining authorities (at Peking), licenses for mining exploration or mining shall be granted to public (government) operated mines and "lease licenses" shall be granted to privately operated mines.

Mines operated jointly by government and private individuals, when under government supervision, shall be regarded as publicly operated mines; and when under private supervision, shall be regarded as privately operated mines.

Article 4. Applications for mining exploration or mining, whether public or private, shall be classified under the category "national reserved mining area" when the central mining authority deems the following conditions applicable:

a. The national reserve (of the ore concerned) is not abundant and must be reserved for national defense emergencies.

b. Mines of secret national defense nature must be reserved for operation by designated organs.

c. The existing production capacity (for the ore concerned) far exceeds the demand and there is no need for new mining in the coming few years.

d. The nature of the mine concerned makes it unsuitable for small-scale or scattered operation.

Article 5. A mining area, for purposes of mining exploration or mining, shall be defined by straight lines marked on the surface and extending vertically downward.

Article 6. When the size of the mining area exceeds 15 hectares (for coal mines), or two hectares (for other mines), or more than one mile in length (for pan mining along a river), it shall be classified as a large mining area. All under these minimum requirements shall be classified as small mining areas. Small mining areas must be those which are not readily accessible by ordinary transportation or are unsuitable for large-scale mining operations.

Article 7. The time limit for mining exploration shall be two years, and for mining, 30 years. Small mining areas are limited to mining for a period of 10 years only. At the expiration date, extension for mining exploration or mining may be applied for.

Article 8. The following locations shall not be classified as mining areas unless with the permission of the authorities concerned:

- a. Within the designated areas for batteries, forts, naval ports, airports, and others.
- b. Within 500 feet of important industrial centers, commercial districts, and major reservoirs.
- c. Within 150 feet on either side of important transportation routes.
- d. Within 500 feet on both banks of important rivers and dikes.
- e. Localities renowned as historical sites with cultural value, which cannot be moved to another place.

Article 9. Private individuals should be encouraged to open new mines and to develop old mines. However, in the following cases of mining application by private individuals, the mines in question may be reclassified for public operation or as national reserved areas.

- a. Applicants who apply for a new mining license in accordance with Article 14 [i.e., those who hold a mining license issued on the basis of the Mining Law of 1930 and have installed mining equipment].
- b. Applicants who apply for mining exploration or for

mining in new mining areas in accordance with Article 17.

c. Mining operators who have mined for more than 30 years in large mining areas and 10 years in small mining areas.

When recalling mines for public operation or reclassifying certain localities as national reserve areas, the government should evaluate and pay for the equipment of the original owners which is still serviceable; the government should make compensation according to the value of the mines to those who have applied for mining explorations in the new mining areas. Should the original applicants prefer to join in developing the mines, they should be allowed to invest with the approval of the central mining authorities.

Article 10. Mining products essential to the national defense and to the basic industries shall be purchased and sold uniformly, if necessary, by the government.

Article 11. Large-scale privately operated mines with distinguished achievement may, if in need of additional capital for new installations and construction to increase the productive capacity, apply for government help when private funds are inadequate. In such cases, plans for basic construction (of such mines) must be submitted.

Article 12. Public and privately operated mines should obey all labor laws concerning mines and factories and **effectively** protect the workers.

Article 13. Small, scattered mines operated by native methods, if fulfilling the following five conditions, shall not be bound by these regulations. The local government, however, should draw up simple rules for them, and should apply for approval, through the mining organ of the Large Administrative Area [abolished in 1954], from the central mining authorities.

a. Mining products (of the mines concerned) are among the daily necessities of the local people.

b. Due to the remoteness and poor quality of the mine, it is not worthwhile to apply for a license as a small mining area operation.

c. Mining is relied on as a subsidiary occupation of the local people of the district concerned.

d. The mine is shallow and there are no such dangers as flood, fire, or landslide.

e. Mining is not detrimental or destructive to public property.

Mining organs under the Large Administrative Area or province (municipality) should regularly report on the ore reserves and the mining operations in the above-mentioned native mines to the central mining authorities, for the record. If through exploration a valuable mine is discovered, the results of the investigation and the proposed operational plans should be reported to the central mining authorities for approval.

Chapter II. Provisions Regarding the Old Mines [omitted]

Chapter III. The Exploration and Mining of New Mining Areas

Article 17. Applicants for mining exploration or mining, whether publicly or privately operated, should report to the mining authorities of the Large Administrative Area or province (municipality) concerned, which should then send inspectors to investigate the mining area. If the said mining area does not conflict with any existing legally operated mines or with any national reserve (mining) area, and does not involve Article 8, the mining authorities of the Large Administrative Area should transmit the applications to the central mining authorities, which shall, according to Article 3, issue the necessary licenses.

Article 18. Applicants for mining exploration and mining shall be required to submit the following items at the time of application....
[omitted]

Article 19. When there are two or more applicants applying for a license for the same mining area, the earlier applicant has the priority to work on the mining area if he fulfills the requirements in Article 18.

Article 20. If the application for a large mining area conflicts with the interests of a small mining area, the latter should be allowed to continue its operation until the expiration date of its license-- unless the central mining authorities deem that small-scale operation is less suitable or the operators of the small mining area wish to transfer the mining rights to the new applicant. The size of a "large mining area" should be at least ten times that of a small mining area, in order for the

provisions in this article to be applied.

Article 21. If new valuable ores are found by a person who does not wish to apply for mining rights according to Article 17, he should report to the mining authorities of the Large Administrative Area or province (municipality). The mining authorities should then make investigation of the find, and the results of investigation, together with the original documents of the discovery, should be submitted to the central mining authorities for inspection and approval. The central mining authorities shall then grant rewards to the discoverer according to the value of the ores discovered. No such rewards shall be granted to the discoveries of ores by government organs, geological survey teams, mining exploration groups, or other mining agencies.

Article 22. When the mining exploration has reached the time limit or completed its preliminary survey, the mine investigators should report to the mining authorities of the Large Administrative Area or province (municipality), which will transmit the report to the central mining authorities for recording. Unless there are special conditions making the project too difficult to be completed on time, and unless the applicant has presented explanations prior to the expiration date (of the license), extension of the deadline shall not be granted.

Chapter IV. The Duty of the Miner and the Mining Explorer

Article 23. All the mining areas shall be developed by the applicants themselves and must not be rented out.

Article 24. Mining explorers or miners who have good reasons for not being able to continue their work and must let others take over the operation should report to the mining authorities of the Large Administrative Area or province (municipality), who will in turn report to the central mining authorities, asking permission to transfer the license. When mining properties are sold, the ores or the license must not be included in the transaction or priced for sale.

Article 25. The work plans and the progress of the mining explorers or miners shall be examined by the central mining authorities or their designated agency at regular intervals. If the amount of capital investment, equipment, construction progress, and amount of production

reach or surpass the planned targets, permission shall be granted to continue the mining or mining exploration in the mining area concerned or to expand the mining area. If the planned goal is not reached, warning shall be issued or the size of the mining area reduced, according to the seriousness of the work deficiency.

Article 26. Mining explorers or miners, unless they encounter irresistible obstacles, should begin work according to the original (submitted) plan within half a year after the granting of the licenses. Once the work starts, it must not be suspended for a period longer than six months.

Article 27. Mining explorers or miners should employ the equipment and mining methods most appropriate to the nature of the mines and the characteristics of the rocks. They must try to avoid damaging the mines or reducing the production of the ore, but should take into consideration the possible future development of the mining area.

Article 28. Mining explorers or miners should act according to the regulations governing mining safety and sanitation, to prevent accidents, illnesses, and work hazards. They must also provide first-aid facilities and instruction, and hospital as well as sanitary services. Relief facilities (in case of accidents) should be installed and checked. When an accident occurs, remedial measures must be effectively taken, the detailed rules governing which shall be drafted separately.

Article 29. With the permission of the local mining authorities and other authorities concerned, the mining explorers or miners may, if necessary, use other people's land. In such a case, the owner or original user of the land should be allowed the use of the land as much as possible. The mining explorers or miners should compensate the owner or original user of the land suitably.

Article 30. It is the duty of a mining explorer or miner to pay the mining area fee and the mining tax. The detailed rules shall be drafted separately.

Article 31. If a mining explorer or miner violates the provisions of Articles 23, 24, 26, 27, 28, or 30, he shall be warned or fined or requested by the central mining authorities to relinquish the mining area,

according to the seriousness of the offenses.

Chapter V. Appendix

Article 32. The provisions of these regulations shall not be applicable to mines with foreign capital.

Article 33. The measures enforcing these regulations shall be drafted separately.

Article 34. The above regulations shall become effective at the time of their promulgation by the GAC, CPG.

7. GAC, Chi-pen chien-she kung-tso chan-hsing pan-fa 基本建設工
作暫行辦法 (Provisional regulations on capital construction),
January 9, 1952.^{37/} Extracts.

The regulations consist of 8 sections and 36 articles.

Section 1. General. Defines capital construction work as "new construction work, projects to expand or alter existing work, recovery of destroyed or damaged installations, and other related construction work, aimed at the expansion of production." This includes work relating to industry, mining, communications, agriculture, forestry, conservation, irrigation, finance, trade, culture, education, and sanitation. It embodies construction work undertaken by the central and local governments, and also by mass organizations. Construction work includes: construction work; installation; purchase of machinery, equipment, and other fixed assets; designing, surveying, and research; other capital construction work. Each type of construction activity is assigned an allotment of capital which is called its ting-o 定額 or "quota." For example, the "quota for coal mining is 50 billion yüan (old currency, or 5 million new yüan or U.S. \$ 2.12 million), for cement 20 billion yüan, and for textile factories 30 billion yüan" Construction projects are classified according to the size of their capital into four classes: Class A is defined as above-quota projects with a capitalization of over 100 billion yüan; Class B includes above-quota projects with a capitalization below 100 billion yüan; Class C includes those projects whose capitalization is below their specified quota but above 2 billion yüan; and Class D comprises those projects whose capitalization does not exceed 2 billion yüan. Requirements